

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA, )  
                                )  
Plaintiff,                 )                           8:13CR107  
                                )  
vs.                         )                           ORDER  
                                )  
VINCENT DIBERARDINO,     )  
                               )  
Defendant.                 )

This matter is before the court on the motion of defendant Vincent Diberardino (Diberardino) to extend the motion filing deadline (Filing No. 107). Upon consideration, the motion is granted.

**IT IS ORDERED:**

Defendant Diberardino's motion for an extension of time (Filing No. 107) is granted. Moore is given until **on or before November 1, 2013**, in which to file pretrial motions pursuant to the progression order. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., **the time between October 2, 2013, and November 1, 2013**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason defendant's counsel requires additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

DATED this 2nd day of October, 2013.

BY THE COURT:

s/ Thomas D. Thalken  
United States Magistrate Judge